

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 20, 39 and 58 have been amended. Claims 11, 30, 49 and 68 have been canceled previously. No claims have been added or canceled herein. Thus, claims 1-10, 12-29, 31-48, 50-67 and 69-76 are pending.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 1-10, 12-16, 18-29, 31-35, 37-48, 50-54, 56-67, 69-73, 75 and 76 were rejected as being unpatentable over U.S. Patent No. 6,243,809 issued to Gibbons, et al. (*Gibbons*) in view of U.S. Patent No. 5,978,912 issued to Rakavy, et al. (*Rakavy*) and further in view of U.S. Patent No. 7,318,173 issued to Falik, et al. (*Falik*). For at least the reasons set forth below, Applicants submit that claims 1-10, 12-16, 18-29, 31-35, 37-48, 50-54, 56-67, 69-73, 75 and 76 are not rendered obvious by *Gibbons*, *Rakavy* and *Falik*.

Claim 1 recites:

an embedded firmware agent coupled within a host system having memory to store instructions that, when executed, cause the embedded firmware agent to selectively operate in a management mode during which a host operating system relinquishes control of host system in which the embedded firmware agent resides;

an embedded hardware controller agent coupled within the host system having memory to store instructions that cause the embedded controller to operate independently of the host operating system and selectively invokes the management mode, the embedded controller agent having a network interface to allow the embedded controller agent to communicate over a network independently of the host operating system;

a physical bi-directional agent bus coupled between the embedded firmware agent and the embedded controller agent to transmit messages between the embedded firmware agent and the embedded controller agent; and

a trusted module coupled with the embedded hardware controller agent and the embedded firmware agent to provide mutual authentication

with a server prior to the embedded firmware agent transferring control to the host operating system.

Thus, Applicants claim an embedded firmware agent and an embedded hardware controller agent that are physical components of a host system interconnected by a bi-directional agent bus. The embedded firmware agent and the embedded controller agent can operate in management mode independent of the host operating system. Further, the embedded controller agent can communicate over the network in an operating system independent manner. There is also a trusted module to provide mutual authentication prior to control being passed to the host operating system. Claim 58 recites similar limitations.

The Office Action appears to equate the embedded firmware agent with the BIOS of *Gibbons* and the embedded controller agent with the SMI handler of *Gibbons*. See Office Action at page 3. However, the BIOS and the SMI handler are not separate physical components interconnected by a bi-directional bus to function as recited in the claims. The BIOS is a firmware component and the SMI handler is software code. The claims explicitly recite a hardware controller coupled to a firmware agent via a physical bus. Applicants agree with the Office Action that *Gibbons* does not disclose the independent network functionality.

While *Rakavy* may disclose operating system independent network access, the Office Action suggests that the BIOS of *Gibbons*, which seems to allegedly correspond to the embedded firmware agent of the claims, could be modified to have network access. However, the claims recite the network access via the embedded controller, *not* the embedded firmware agent as asserted in the Office Action.

Falik is cited to teach an embedded firmware agent that is coupled to an embedded controller via a physical bus. However, *Falik* fails to disclose the embedded controller invoking management mode. None of the references provide mutual authentication. Accordingly, no combination of *Gibbons*, *Rakavy* and *Falik* can teach or suggest the invention as recited in claims 1 and 58.

Claims 2-10, 12-16, 18 and 19 depend from claim 1. Claims 59-67, 69-73, 75 and 76 depend from claim 58. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that these dependent claims are not rendered obvious by *Gibbons*, *Rakavy* and *Falik* for at least the reason set forth above.

Claim 20 recites:

invoking a management mode in a host system in which a host operating system temporarily relinquishes control of the host system with an embedded hardware controller agent coupled within the host system, the embedded hardware controller agent having memory to store instructions and capable of executing the stored instructions, the embedded hardware controller agent further having a network connection that operates independently of the host operating system; and servicing requests from the embedded hardware controller agent during the management mode with an embedded firmware agent that is coupled within the host system, the embedded firmware agent having memory to store instructions and capable of executing the stored instructions, by communicating with the embedded controller agent over a bi-directional agent bus.

Thus, Applicants claim operation of an embedded firmware agent and an embedded controller agent that are physical components of a host system interconnected by a bi-directional agent bus. The embedded hardware agent controller invokes a management mode in which the embedded firmware agent may operate. Claim 39 recites similar limitations.

As discussed above, none of the cited references teach or suggest a embedded controller agent that invokes a system management mode in the manner recited in the claims. Therefore, no combination of *Gibbons*, *Rakavy* and *Falik* can teach or suggest the invention as recited in claims 20 and 39.

Claims 2129, 31-35, 37 and 38 depend from claim 20. Claims 48, 50-54 and 56 depend from claim 39. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that these dependent claims are not rendered obvious by *Gibbons* and *Rakavy* for at least the reason set forth above.

Claims 17, 36, 55 and 74 were rejected as being unpatentable over *Gibbons* and *Rakavy* and further in view of U.S. Patent No. 6,792,556 issued to Dennis (*Dennis*). For at least the reasons set forth below, Applicants submit that claims 17, 36, 55 and 74 are not rendered obvious by *Gibbons*, *Rakavy* and *Dennis*.

Applicants agree with the Office Action that *Gibbons* and *Rakavy* do not disclose security features. Whether or not combining *Dennis* with *Gibbons* and *Rakavy* is appropriate, *Dennis* does not cure the deficiencies of *Gibbons* and *Rakavy* set forth above. Therefore, no combination of *Gibbons*, *Rakavy* and *Dennis* can teach or suggest the invention as recited in claims 17, 36, 55 and 74.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-10, 12-29, 31-48, 50-67 and 69-76 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of

the present application. Please charge any shortages and credit any overcharges to our
Deposit Account number 02-2666.

Respectfully submitted,
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